



**U.S. Department
of Transportation
Pipeline and Hazardous
Materials Safety
Administration**

**1200 New Jersey Avenue, SE
Washington, DC 20590**

March 22, 2021

Via Email

Mr. Jacob Larson
Assistant Attorney General
Iowa Department of Justice
Office of the Attorney General, Environmental Law Division
1305 E. Walnut St.
Des Moines, IA 50139

Dear Mr. Larson:

On November 5, 2020, a representative of the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) conducted an evaluation of the Iowa Attorney General's enforcement of the Iowa excavation damage prevention law. PHMSA conducted this evaluation pursuant to 49 United States Code (USC) § 60114 and 49 Code of Federal Regulations (CFR) Part 198, Subpart D—State Damage Prevention Enforcement Programs. Based on this evaluation, PHMSA has determined that the enforcement of the Iowa excavation damage prevention law is "adequate."

PHMSA evaluates a state's excavation damage prevention enforcement program based on the criteria detailed in 49 CFR 198.55 and scores the state's compliance with those criteria. Although the Iowa Attorney General's enforcement program was deemed "adequate", this is not a finding by PHMSA that the state has no room to further improve the program's effectiveness. Accordingly, PHMSA would like to bring to your attention an area where the Iowa Attorney General and the Iowa Utilities Board (IUB) could collaborate to further improve damage prevention and pipeline safety in the state. In CY 2019, Iowa's gas distribution operators reported a total of 1,541 excavation damages to their pipeline facilities in the annual reports submitted to PHMSA. Based on the information gained during our evaluation, only 64 (4 %) of these damages were submitted as complaints to the Iowa Attorney General, five led to a civil penalty, and 24 warning letters were issued. Additionally, of the 1,541 damages reported, 334 (22%) were attributed to pipeline operators for not having complied with their responsibilities in accordance with Iowa's one-call law. None of the enforcement actions taken were against pipeline operators. PHMSA encourages the Iowa Attorney General's office to work closely with the IUB to evaluate how it may improve the state's one-call enforcement program and provide an update to PHMSA 60 days from receipt of this letter.

As you are aware, excavation damage continues to be a leading cause of pipeline failures, some of which have resulted in fatalities, serious injuries, and environmental damage. Nationwide statistics show that effective enforcement of state damage prevention laws reduces excavation damage and pipeline incidents, resulting in enhanced public safety.

Should you or your staff have any questions regarding this letter, please contact Annmarie Robertson, PHMSA Senior Program Manager, at (317) 964-1670 or by email at annmarie.robertson@dot.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Tahamtani', with a long, sweeping horizontal line extending to the right.

Massoud Tahamtani
Deputy Associate Administrator, Policy and Programs
Office of Pipeline Safety

cc: Mr. Magid Yousif, Manager, Safety and Engineering, Iowa Utilities Board